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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,764	12/19/2001	Thomas F. Look	57378US002	3744

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EXAMINER

LABAZE, EDWYN

ART UNIT PAPER NUMBER

2876

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/027,764

Applicant(s)

LOOK, THOMAS F.

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8,9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. Receipt is acknowledged of IDS filed on 11/14/2002 and 1/24/2003.
2. Receipt is acknowledged of amendments filed on 2/05/2003.
3. Claims 1-2 and 4-12 are presented for examination.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Brantli et al. (U.S. 5,621,571) as disclosed by the applicant.

Re claim 1: Brantli et al. disclosed integrated retro-reflective electronic display, which includes a retro-reflective article or sheet 30 having an optical article and a reflective layer 36 (col.5, lines 30-48); wherein the optical layer 32 includes an optical surface 31, an opposite rear surface 38/48, and a structure surface 37/48 coextensive with one of the optical surface 31 and rear surface (See Figs. # 2 and 6; col.5, lines 42+; col.6, lines 30+); wherein the reflective layer 36 comprises a metallized ink/coating deposited on at a portion of the structured surface of the optical layer 32 (col.5, lines 40+); a radio frequency-responsive element including an antenna 8 and an integrated circuit/electronic module 10 (col.7, lines 5+), the radio frequency-responsive or radiating element having information storage and transmission capabilities adapted to enable an interrogation system to obtain information from the radio frequency-responsive element (col.7, lines 25-67 and col.8, lines 1-23); and wherein the radio frequency-responsive/radiating element

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is coupled to one of the optical surface or rear surface of the retro-reflective article (See Fig. # 8a of Brantli et al.), and wherein the reflective layer/coating 46 is a non contiguous or discontinuous metallized layer deposited on at least a portion of the structured rear surface of the optical article (col.6, lines 55-67 and col.7, lines 1+).

Re claims 2 and 11: Brantli et al. teaches an apparatus, wherein the metallized ink/coating includes a polymer carrier (col.5, lines 37+) and non-contiguous/discontinuous metal (col.6, lines 55-67 and col.7, lines 1+).

Re claim 6: Brantli et al. discloses an apparatus, wherein the optical article includes glass microspheres 32, 42 embedded in a spacing resin, and wherein the optical surface (See Figs. # 2 and 6 of Brantli et al.) and rear surface are formed from the spacing resin 47 (col.6, lines 30-50).

Re claim 7: Brantli et al. teaches an apparatus, wherein the reflective layer 36, 46 is deposited directly on at least portions of the spacing resin 44 (col.6, lines 30+).

Re claim 8: Brantli et al. discloses an apparatus, further comprising security indicia 52 disposed on the optical article (See Fig. # 8a of Brantli et al.; and col.7, lines 50+).

Re claim 10: Brantli et al. teaches an apparatus, wherein the reflective layer 36, 46 includes a metallized ink/coating deposited on at least a portion of the structured rear surface of the optical article (col.5, lines 40+).

### *Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 4-5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brantli et al. (U.S. 5,621,571) in view of Brennan et al. (U.S. 5,844,523).

The teachings of Brantli et al. have been discussed above.

Brantli et al. fails to disclose a tag, wherein the reflective layer has metal content of about 10% to 14% by volume and the metal is silver.

Brennan et al. teaches an electrical and electromagnetic apparatuses using laminated structures having thermoplastic elastomeric and conductive layers, which includes metallic silver layer (col.11, lines 19-27) and 5% to about 60% by volume (col.10, line 16; and col.17, line 30).

In view of Brennan et al.'s teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to silver metal ink, spray or coating laminated on the reflected layer(s) for better and brighter reflections and color diffusions. Furthermore, a metal content of 10% to 14% by volume is designed to reduce cost, control how incident light is directed toward the light source, and increase the reflectivity of the article. Therefore such modification would have been an obvious extension as taught by Brantli et al. and an obvious expedient.

#### *Response to Arguments*

Applicant's arguments filed on 2/05/2003 have been fully considered but they are moot in light of new ground(s) of rejection.

#### *Conclusion*

8. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 9/9/2001 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
July 25, 2003

  
MICHAEL G. LEE  
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